

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 4-9 have been newly added herein to describe further aspects of the present invention. No new matter has been added.

Claims 1-3 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 12 and 13 of U.S. Patent No. 6,618,866. Accordingly, submitted herewith is a terminal disclaimer of U.S. Patent No. 6,618,866, which overcomes the rejection of claims 1-3 based on the judicially created doctrine of double patenting.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (U.S. Patent No. 5,621,924). Traversal of this rejection is made for at least the following reasons. Friedman et al. does not disclose a dip tube assembly having an evacuator component with at least one radially extending locator tab that cooperates with at least one cut out in said tank front surface to properly orient said evacuator component in said tank, as required by amended claim 1. Rather, the dip tube assembly of Friedman et al. includes a spin nut connection to an externally threaded portion of a vacuum pump inlet. The dip tube assembly does not include any component to facilitate orientation of the assembly within the tank. Accordingly, because Friedman et al. does not disclose each and every element set forth in claim 1, Friedman et al. does not anticipate claim 1. Withdrawal of this rejection is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/634,161
Response dated Apr 8, 2004
Reply to Office Action dated January 8, 2004

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 34712US2.

Respectfully submitted,

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